

CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 09/05/00

AGENDA ITEM

WORK SESSION ITEM

TO: Mayor and City Council
Redevelopment Agency Board Members

FROM: Director of Community and Economic Development

SUBJECT: Amendment of Formation Procedures for the Hayward Redevelopment Area Committee (HRAC), and Appointment and Election of Additional HRAC Members

RECOMMENDATION:

It is recommended that the City Council amend the Formation Procedures for the Hayward Redevelopment Area Committee (HRAC) to expand the Committee's membership from 9 to 17 members. It is also recommended that the City Council appoint a community organization to designate a member to the Committee.

It is recommended that the Redevelopment Agency Board adopt the attached resolution authorizing the City Clerk to conduct an election to expand the membership of the HRAC for the purpose of considering the proposed Amendment to the Downtown Hayward Redevelopment Plan for the Mission-Foothill Boulevard Corridor

BACKGROUND:

The Redevelopment Agency has begun the process to consider an amendment to the existing redevelopment project area. State law requires that the Hayward Redevelopment Area Committee (HRAC) be expanded to include members representative of the area proposed for addition if that area includes a substantial number of low Or moderate-income persons and if the proposed plan amendment includes authority for the Redevelopment Agency to acquire residential property by eminent domain. The proposed Redevelopment Plan Amendment includes both of these conditions.

The law also defines the type of representation that must be included on the Committee, including homeowners, residential tenants, business owners, and community organizations that serve the area. By law, each voter may cast only one ballot to elect a representative from his or her category of representation; for example, a homeowner may only cast one ballot to elect a homeowner from the proposed amendment area. City Council may appoint representative community organizations to serve on the Committee.

When the Downtown Hayward Redevelopment Plan was amended in 1998, the City Council approved Election and Formation Procedures that resulted in the creation of the HRAC. Staff

now proposes that the Formation Procedures be amended to expand the HRAC members from 9 to 17. The following table compares the composition of the Committee as it is currently constituted with the proposed new composition of the HRAC. The proposed addition of eight new members almost doubles the existing size of the Committee, reflecting the doubling in size of the project area. At the same time, an odd number of committee members are maintained to avoid tie votes. In addition, the composition of the new membership reflects the more commercial nature of the Mission-Foothill Boulevard Corridor.

Membership Category	Existing HRAC Membership	Proposed New Members	Total Proposed HRAC Membership
Residential Owner-Occupant	4	1	5
Residential Tenant	1	2	3
Business Owners	1	2	3
Commercial Property Owners	1	2	3
Community Organizations	2	1	3
Total	9	8	17

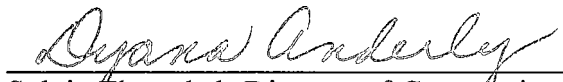
In accordance with the procedures called for by state redevelopment law, staff discussed the potential expansion of the HRAC with the existing Committee at a meeting held on July 19, 2000. The Committee unanimously adopted a motion recommending an election to expand its membership as outlined above.

The proposed expansion of membership would include one community organization for this area. It is not necessary that the organization be physically located in the proposed area, only that they serve the area. Staff recommends that the City Council appoint either a second representative of the Hayward Chamber of Commerce and request that the designated Chamber representative be a business located in the south Hayward area, or a representative of the California State University at Hayward which is located adjacent to the proposed redevelopment area.

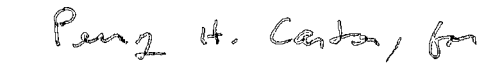
Prepared by:


Maret Bartlett, Redevelopment Director

Recommended by:


Sylvia Ehrental, Director of Community and
Economic Development

Approved by:


Jesús Armas, City Manager

Attachment A – Amended Procedures for the Formation of the
Hayward Redevelopment Area Committee
Resolutions

ATTACHMENT A

AMENDED PROCEDURES FOR THE FORMATION OF THE HAYWARD REDEVELOPMENT AREA COMMITTEE FOR THE DOWNTOWN HAYWARD REDEVELOPMENT PROJECT

I. [§ 100] PURPOSE

The project area committee for the Downtown Hayward Redevelopment Project shall be known as the Hayward Redevelopment Area Committee. The purpose of these PROCEDURES FOR THE FORMATION OF HAYWARD REDEVELOPMENT AREA COMMITTEE FOR THE DOWNTOWN HAYWARD REDEVELOPMENT PROJECT (the "HRAC Formation Procedures") is to implement the provisions of Section 33385 of the California Community Redevelopment Law (Health and Safety Code, section 33000 et seq.) requiring the formation of project area committees in either of the following situations: (a) when a substantial number of low- and moderate-income persons, or both, reside within the project area and the redevelopment plan will contain authority for the agency to acquire, by eminent domain, property on which any persons reside; or (b) when the redevelopment plan will contain one or more public projects that will displace a substantial number of low- or moderate-income persons, or both. The activities undertaken pursuant to these HRAC Formation Procedures shall be scheduled in light of the fact that a representative project area committee shall be elected within one hundred (100) days after selection of the proposed addition to the Project Area.

II. [§200] DEFINITIONS

A. [§201] Agency

"Agency" means the Redevelopment Agency of the City of Hayward, California, and any Agency staff, consultants, assignees, delegates, and City departments who may be assigned the duties and responsibilities for carrying out these HRAC Formation Procedures.

B. [§202] Business

"Business" means any lawful activity, conducted for the purpose of making a profit and primarily for the following:

1. The manufacture, processing, or marketing of products, commodities, or other personal property; or
2. The sale of services to the public; or
3. Any other legally defined business purpose.

C. [§203] Business Owner

“Business Owner” means any person or legal entity which presents satisfactory evidence of ownership and operation of a business within the Project Area.

D. [§204] Commercial Property Owner

“Commercial Property Owner” shall include any person or legal entity which (1) owns real property located within the Project Area and rents or leases such real property to others for business or residential uses, or (2) owns and holds real property within the Project Area as an investment.

E. [§205] City

“City” means the City of Hayward, California.

F. [§206] Existing Community Organization

“Existing Community Organization” includes each of the following organizations: Hayward Chamber of Commerce and Eden Housing, Inc.

G. [§207] Hayward Redevelopment Area Committee ("HRAC")

“Hayward Area Redevelopment Area Committee” or “HRAC” means the project area committee formed in accordance with these HRAC formation procedures for the Project Area.

H. [§208] Project

“Project” means the Downtown Hayward Redevelopment Project which was been adopted pursuant to the Community Redevelopment Law of the State of California (Wealth and Safety Code, section 33000 et seq.) and the proposed changes to such Project described in the amendment to the preliminary plan for the Downtown Hayward Redevelopment Project, which was adopted by the Planning Commission of the City of Hayward on July 13, 2000 (the “Amendment to the Preliminary Plan”).

I. [§209] Project Area

“Project Area” means the area designated as the Downtown Hayward Redevelopment Project and the additional area designated and described in the Amendment to the Preliminary Plan.

J. [§210] Residential Owner-Occupant

“Residential Owner-Occupant” means any person who presents satisfactory evidence of ownership and occupancy of a residential dwelling located within the Project Area as his or her principal place of residence.

K. [§211] Residential Tenant

“Residential Tenant” means any person who presents satisfactory evidence of lawful rental and occupancy of a residential dwelling located within the Project Area as his or her principal place of residence.

III. [§300] FORMATION OF HAYWARD REDEVELOPMENT AREA COMMITTEE

A. [§301] Composition of the HRAC

The HRAC shall be composed of members from the following categories:

- (1) Residential Owner-Occupants; (2) Residential Tenants; (3) Business Owners; and
- (4) Representatives of Existing Community Organizations.

B. [§302] Total Membership; Methods of Selection

The total membership of the HRAC shall be seventeen (17), divided among the membership categories as follows:

1. Five (5) members shall be Residential Owner-Occupants elected to serve on the HRAC; two (2) from the Downtown Area and two (2) from the Burbank Area, and one (1) from the Mission-Foothill Area.
2. Three (3) members shall be Residential Tenants elected to serve on the HRAC; one (1) from the Burbank Area and two (2) from the Mission-Foothill Area.
3. Three (3) members shall be Business Owners elected to serve on the HRAC; one (1) from the Downtown or Burbank Area and two (2) from the Mission-Foothill Area.
4. Three (3) members shall be Commercial Property Owners elected to serve on the HRAC; one (1) from the Downtown or Burbank Area and two (2) from the Mission-Foothill Area; and

5. Three (3) members shall be representatives of Existing Community Organizations; one (1) from the Downtown Area, one (1) from the Burbank Area, and one (1) from the Mission-Foothill Area. These Existing Community Organizations shall be those organizations serving the Project Area designated by the City Council.

C. [\S303] Public Meeting(s) to Explain Project Area Committee

Following the City Council's adoption of these HRAC Formation Procedures, the Agency shall conduct at least one (1) public meeting to explain the establishment of, functions of and opportunity to serve on the Hayward Redevelopment Area Committee.

Notice of the public meeting(s) shall be published and mailed in the manner set forth in Section 307 of these HRAC Formation Procedures. The notice shall specify the date, time and place of the public meeting(s), shall include a statement generally describing the purpose of the meeting(s) and shall contain a general description, in text or by diagram, of the Project Area.

At the public meeting(s):

1. Copies of the following shall be distributed
 - a. These HRAC Formation Procedures;
 - b. Chapter 4, Article 6.5 of the Community Redevelopment Law (Health and Safety Code, section 33385 et seq.) (governing project area committees);
 - c. Section 33347.5 of the Health and Safety Code (report of the project area committee);
 - d. Section 33366 of the Health and Safety Code (vote required to adopt the redevelopment plan);
 - e. The Downtown Hayward Redevelopment Plan and Amendment to the Preliminary Plan for the Project Area; and
 - f. Any other information the Agency determines would be useful.
2. The Agency shall briefly describe the proposed Project, the role of the HRAC in connection therewith, the application of the Political Reform Act to HRAC members and the eligibility to serve on and required composition and size of the membership of the HRAC.

3. The Agency shall also briefly explain these HRAC Formation Procedures.

4. Finally, the Agency shall respond to any questions from the audience.

D. [§304] Election of HRAC Members

The City Council shall adopt, after a duly noticed public hearing, election procedures setting forth the overall process for filing for election, publicizing the election, holding the election and for reviewing disputed elections, filling vacant seats and other matters related thereto. The election of HRAC members shall be conducted in accordance with the adopted procedures. A copy of the "Proposed Procedures for the Election of Members to Project Area Committees in the City of Hayward" is **attached** hereto as Exhibit A and shall be distributed for informational purposes at the public meeting(s) described in Section 303 hereof prior to adoption by the City Council.

E. [§305] Appointment of Representatives by Appointed Existing Community Organizations

Each of the City Council designated Existing Community Organizations shall appoint one person, 18 years of age or older, to serve as the representative HRAC member for that organization. The names of all persons so appointed by each Existing Community Organization shall be submitted to the Agency promptly following the election referred to in Section 304.

F. [§306] Confirmation of Hayward Redevelopment Area Committee Members

After the election referred to in Section 304, the Agency shall report the results to the City Council. Following receipt of the election results and expiration of the fifteen (15) day challenge period, the City Council shall hold a meeting to announce the results of the election and the names of all the Hayward Redevelopment Area Committee members, including the names of the members appointed to represent Existing Community Organizations. At the same time, the City Council shall, by resolution, find that the election procedures were followed in the election and confirm the Project Area Committee members. Notice of this meeting shall be provided in the manner set forth in Section 307.

G. [§307] Notice Requirements

All notices required to be given pursuant to these HRAC Formation Procedures and the election procedures adopted by the City Council in accordance with Section 304 shall be published once in a newspaper of general circulation within the City at least ten (10) days prior to the scheduled event and, to the extent mailing addresses are obtainable at a reasonable cost, shall be mailed to all residents, businesses, commercial property owners, and community organizations within the Project Area. The Agency shall be responsible for compiling a mailing list and shall make a good faith effort to obtain mailing addresses for all residents, businesses, and community organizations at a reasonable cost. The notices shall be mailed by first-class mail

but may be addressed to "Occupant." In lieu of mailing separate notices for each meeting, hearing, or plebiscite, the Agency may provide a single combined notice setting forth all the dates, times, and locations of all meetings, hearings, or plebiscites.

In addition, the Agency may post notices, distribute flyers, or undertake such other actions as it deems necessary or advisable in order to further inform Residential Owner-Occupants, Residential Tenants, Business Owners, Commercial Property Owners, and Existing Community Organizations of the formation of the HRAC.

IV. [§400] GENERAL PROVISIONS

A. [§401] Implementation

The City and Agency are authorized to formulate and take all actions necessary or appropriate to implement these HRAC Formation Procedures consistent with these HRAC Formation Procedures and the Baw.

B. [§402] Compensation of HRAC Members

The members of the HRAC shall serve without compensation.

C. [§403] Political Reform Act

Following confirmation by the City Council of members of the HRAC pursuant to Section 306 of these HRAC Formation Procedures, the new members shall comply with the provisions of the Political Reform Act (Government Code Section 81000 et seq.) and all other conflict of interest laws applicable to the HRAC and to each of its members.

V. [§500] AMENDMENT OF THESE HRAC FORMATION PROCEDURES

The City Council may amend these HRAC Formation Procedures to make any necessary adjustments or changes to effectively form the HRAC.

DRAFT



HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

APPROVING AND ADOPTING AMENDED PROCEDURES
FOR THE FORMATION OF A PROJECT AREA
COMMITTEE FOR THE DOWNTOWN HAYWARD
REDEVELOPMENT PROJECT AND THE PROPOSED
ADDITION TO SUCH PROJECT, TO BE KNOWN AS THE
HAYWARD REDEVELOPMENT AREA COMMITTEE

WHEREAS, the Planning Commission of the City of Hayward selected and designated the boundaries (the "Project Area") of a proposed addition to the Downtown Hayward Redevelopment Project by approving an Amendment to the Preliminary Plan for the Project (the "Preliminary Plan") on July 13, 2000, and submitted said Preliminary Plan to the Redevelopment Agency of the City of Hayward (the "Agency"); and

WHEREAS, the Agency is preparing a proposed amendment to the Redevelopment Plan; and

WHEREAS, on April 14, 1998, by Resolution No. 98-063, 1998, the City Council adopted the "Procedures for the Formation of the Hayward Redevelopment Area Committee for the Downtown Hayward Redevelopment Project" ; and

WHEREAS, section 33385(5) of the California Community Redevelopment Law (Health and Safety Code, section 33000 et seq.) requires that the Redevelopment Agency call upon the project area committee to expand its membership to include additional members that are representative of the area that is proposed to be added; and

WHEREAS, Health and Safety Code, section 33385(b) requires that the legislative body adopt procedures for the formation of project area committees;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

1. The City Council hereby determines that the project area committee formed for the Downtown Hayward Redevelopment Project, and is known as the Hayward Redevelopment Area Committee ("HRAC"), shall be expanded in accordance with the requirements of Health and Safety Code, section 33385..

2. The City Council hereby amends and adopts the “Amended Procedures for the Formation of the Hayward Redevelopment Area Committee for the Downtown Hayward Redevelopment Project, ” attached hereto and incorporated herein by this reference (the “Amended PAC Formation Procedures ”).
3. The City Clerk is hereby authorized and directed to take all steps necessary and appropriate to implement the Amended PAC Formation Procedures.
4. The City Council hereby appoints _____ as the community organization to designate a member to the HRAC.

IN COUNCIL, HAYWARD, CALIFORNIA _____ , 2000

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
city Clerk off the City of Wayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RA- _____

Introduced by Agency Member _____

RESOLUTION AUTHORIZING THE CITY CLERK TO
CONDUCT AN ELECTION TO EXPAND THE
MEMBERSHIP OF THE HAYWARD REDEVELOPMENT
AREA COMMITTEE (HRAC) FOR THE EXPANDED
DOWNTOWN HAYWARD REDEVELOPMENT PROJECT

WHEREAS, the Redevelopment Agency is considering an amendment to the existing redevelopment project area; and

WHEREAS, State law requires that the Hayward Redevelopment Area Committee (HRAC) be expanded to include members representative of the area proposed for addition; and

WHEREAS, the Hayward City Council has amended the formation procedures for the **HRAC** to expand the Committee's membership from 9 to 17 members.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Hayward hereby authorizes and directs the City Clerk to conduct an election in conformity with the requirements of State law to fill the positions created by the expansion of the Downtown Hayward Redevelopment Area for the Mission-Foothill Boulevard Corridor.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2000

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward